

FILED & ENTERED

DEC 18 2014

CLERK U.S. BANKRUPTCY COURT
Central District of California
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**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION**

In re:

Russell Louis Furie,

Debtor(s).

CHAPTER 7

Case No.: 2:13-bk-18101-BR

Adv. No.: 2:13-ap-01601-BR

**JUDGMENT ON COMPLAINT OBJECTING
TO THE DISCHARGEABILITY OF CLAIMS
FOR DENIAL OF DISCHARGE UNDER 11
U.S.C. § 727(a)(2)(a); FRAUD UNDER 11
U.S.C. § 523(a)(2); DOMESTIC SUPPORT
UNDER 11 U.S.C. § 523(a)(5); AND
ATTORNEY FEES UNDER 11 U.S.C. §
523(a)(15)**

Kelly Furie,

Plaintiff(s),

v.

Russell Louis Furie,

Defendant(s).

Trial Date: October 22, 2014 &
December 9, 2014

Time: 10:00 a.m.

Courtroom: 1668
255 East Temple Street
Los Angeles, CA 90012

This matter is before the Court on plaintiff's "Complaint Objecting to the
Dischargeability of Claims: 1. Denial of Discharge 11 U.S.C. § 727(a)(2)(a); 2. Fraud 11
U.S.C. § 523(a)(2); 3. Domestic Support 11 U.S.C. § 523(a)(5); 4. Attorney Fees 11

1 U.S.C. § 523(a)(15).”

2 Trial was held on October 22, 2014 and December 9, 2014. Lisa Rosenthal,
3 Esq. appeared for the plaintiff, Kelly Furie. The defendant, Russell Louis Furie,
4 appeared *in propria persona*.

5 The Court reviewed and considered all of the pleadings and evidence submitted,
6 heard oral arguments, and stated its findings of fact on the record. Based thereon, the
7 Court hereby enters judgment as follows:

8 First cause of action for denial of discharge under § 727(a)(2)(a): plaintiff failed
9 to establish the grounds asserted for objection to the debtor’s discharge and judgment
10 is hereby entered in favor of defendant.

11 Second cause of action for fraud under § 523(a)(2): the elements for
12 establishing fraud under § 523(a)(2)¹ have been met because (1) plaintiff established
13 that false representations were made, (2) the false representations were made
14 intentionally to induce plaintiff to act in reliance on the representations, (3) plaintiff relied
15 on the representations, and (4) damages were sustained.

16 In addition, the statute of limitations on the fraud cause of action has not run
17 because discovery of the fraud did not occur until some time in 2012 and the instant
18 action was filed on June 7, 2013 (*i.e.*, within the three year statute of limitations). A
19 non-dischargeable judgment in the \$452,064.00 amount requested in plaintiff’s
20 pleadings is hereby entered in favor of plaintiff.

21 Third cause of action: the domestic support obligations are not dischargeable
22 pursuant to § 523(a)(5). A non-dischargeable judgment is hereby entered in favor of
23 plaintiff. The family court shall determine the amount of the non-dischargeable
24 judgment for domestic support; and

25 Fourth and final cause of action: the attorney fees awarded by the family court in
26 the amount of \$6,500.00 are non-dischargeable pursuant to § 523(a)(15), and judgment
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¹ The complaint and pleadings mistakenly allege fraud under § 523(a)(4) but the Court as well as the parties acknowledge that the correct Bankruptcy Code section alleged is § 523(a)(2).

1 is hereby entered in favor of plaintiff.

2 IT IS SO ORDERED.
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25 Date: December 18, 2014

A handwritten signature in black ink, reading "Barry Russell". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

26 Barry Russell
27 United States Bankruptcy Judge
28

NOTICE OF ENTERED ORDER AND SERVICE LIST

Notice is given by the court that a judgment or order entitled (specify): JUDGMENT ON COMPLAINT OBJECTING TO THE DISCHARGEABILITY OF CLAIMS FOR DENIAL OF DISCHARGE UNDER 11 U.S.C. SECTION 727(a)(2)(a); FRAUD UNDER 11 U.S.C. SECTION 523(a)(2); DOMESTIC SUPPORT UNDER 11 U.S.C. SECTION 523(a)(5); and ATTORNEY FEES UNDER 11 U.S.C. SECTION 523(a)(5); AND ATTORNEY FEES UNDER 11 U.S.C. SECTION 523(a)(15) was entered on the date indicated as 12/18/2014 Entered on the first page of this judgment or order and will be served in the manner stated below:

1. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF) - Pursuant to controlling General Orders and LBRs, the foregoing document was served on the following persons by the court via NEF and hyperlink to the judgment or order. As of (date) 12/18/2014, the following persons are currently on the Electronic Mail Notice List for this bankruptcy case or adversary proceeding to receive NEF transmission at the email addresses stated below:

- United States Trustee (LA) ustregion16.la.ecf@usdoj.gov
Toan B Chung tbchung@rpmlaw.com, toan.b.chung@gmail.com; jphan@rpmlaw.com
Rosendo Gonzalez (TR) rgonzalez@ecf.epiqsystems.com, dgomez@gonzalezplc.com

• Service information continued on attached page.

2. SERVED BY THE COURT VIA UNITED STATES MAIL: A copy of this notice and a true copy of this judgment or order was sent by United States mail, first class, postage prepaid, to the following persons and/or entities at the addresses indicated below:

Russell Louis Furie
26766 Claudette St #415
Canyon Country, CA 91351

Lisa F Rosenthal
Law Offices of Rosenthal & Associates
21601 Vanowen St Ste 208
Canoga Park, CA 91303